

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

SECOND SET OF INFORMATION REQUESTS OF
FIBER TECHNOLOGIES NETWORKS, L.L.C.
TO SHREWSBURY'S ELECTRIC LIGHT PLANT

D.T.E. 01-70
November 21, 2001

Witness Responsible: Thomas R. Josie, General Manager, SELP

FIBERTECH 2-1: Please state whether Thomas Josie or any board member or employee of SELP made any communications regarding Fibertech via email. If so, please produce such communications.

RESPONSE: Yes. SELP produced all non-privileged, public documents responsive to this request in response to Fibertech 1-1.

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- FIBERTECH 2-2: Refer to the documents produced in SELP Response to Fibertech 1-1.
- a. Please explain how the Petition to Install and Maintain Fiber Optic Facilities dated September 28, 2001; the letter from Lisa J. Jarosinki to Daniel Margado [sic] dated October 12, 2001; and the letter from Mr. Morgado to Ms. Jarosinki dated October 15, 2001, came into the possession, custody, or control of SELP;
 - b. Please identify the author of the Proposed Revision 7/2001, Proposed Terms and Conditions Contract Between SELP and Fiber Tech Fiber Cable Agreement, and/or the author of the revisions reflected in that document, and explain the origin of such revisions.
 - c. Please produce the legal opinion by K. Barna referred to in the Memorandum from T.R. Josie to the Light Commission dated October 16, 2000.
 - d. Please produce the research by K. Barna referred to in the memorandum from T.R. Josie to D. Morgado and J. LeBeaux dated May 15, 2001, and the "[a]dditional back-up information" referred to on the third page of such memorandum as attached.

- RESPONSE:
- a. The letters were provided to Thomas Josie by Daniel Morgado, who routinely discuss matters involving SELP.
 - b. Thomas Josie was the author. Thomas Josie contemplated an option which would permit Fibertech to retain ownership of the fiber cable.
 - c. SELP objects to this request on the grounds that it has already been asked and answered. See Response to Fibertech 1-1. Again, SELP objects to this request on the grounds that it calls for the production of documents protected

by the attorney-client privilege, and the attorney work-product doctrine and exempt from disclosure under public records laws.

d. Please refer to SELP's response to Fibertech 2-2c. Without waiving this objection, SELP agrees to produce all non-privileged, public documents responsive to this request.

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FIBERTECH 2-3: Refer to SELP Responses to Fibertech 1-2. Please produce all pole attachment agreements with Verizon, Digital, and MCI WorldCom and, with respect to the Digital agreement (a) all documents reflecting communications with Digital concerning negotiation of this agreement and (b) all other documents referring or relating to Digital's status (or lack of status) as a "licensee" within the meaning of G.L. c. 166 § 25A.

RESPONSE: SELP will produce all non-privileged documents responsive to this request.

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FIBERTECH 2-4: Refer to SELP Response to Fibertech 1-3. Please produce all documents relating to requests by NEESCom and Adelphia Business Solutions for pole attachments.

RESPONSE: SELP objects to this request on the grounds that it is overbroad, unduly burdensome, and seeks information not relevant to the scope of these proceedings, i.e., a pole attachment dispute between Fibertech and SELP, and has nothing to do with whether Fibertech is a "licensee" or whether its fiber is an "attachment." Without waiving its objection, SELP will produce all non-privileged documents responsive to this request.

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FIBERTECH 2-5: Refer to SELP Response to Fibertech 1-4. Does SELP also provide long distance service and Internet access?

RESPONSE: SELP repeats and incorporates the objections already set forth in response to Fibertech 1-4 here. Without waiving those objections, SELP responds as follows. SCC resells long distance services over Verizon's lines. SCC provides Internet access over its CATV system.

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FIBERTECH 2-6: Refer to SELP Response to Fibertech 1-5. Please describe the number of strands of fiber and number of fiber miles of fiber optic cable each of SELP and SCC use, state whether either of them leases or has leased any capacity on such cable to third parties and, if so, identify the customers to whom they have leased such capacity. If SELP or SCC has leased or leases any such capacity, please state whether the customers supply any electronic equipment for use in generating signals transmitted on the fiber optic cable and explain what electronic equipment they supply.

RESPONSE: SELP objects to this request on the grounds that it has been asked and answered. Please refer to SELP's responses to Fibertech 1-5 and Fibertech 1-6. SELP repeats and incorporates the objections and answer already set forth in response to Fibertech 1-5 and Fibertech 1-6 here. SELP further objects to the first part of this question on the grounds that it is unintelligible and therefore not susceptible to answer. Without waiving its objections, SELP responds that SCC has installed fiber cable in bundles of 12, 24, 48, 96 and 216 fibers. SCC has installed about 55 miles of fiber in the Town of Shrewsbury for use by SCC, the Town's I-Net, and SELP. Neither SELP nor SCC leases dark fiber or "fiber capacity" to any third party.